

Application No. 9

Countywide

APPLICATION SUMMARY

Applicant/Representative: Miami- Dade County
Department of Planning and Zoning
111 NW 1 Street, Suite 1110
Miami, Florida 33128-1972

Location: Countywide

Requested Text Changes: Amend the Housing Element to include a new objective and related policies that allow efforts to enhance and preserve mobile home communities as affordable housing options

Amendment Type: Standard Text Amendment

RECOMMENDATIONS

Staff: **ADOPT AND TRANSMIT** (August 25, 2009)

Community Councils: **NOT APPLICABLE**

Planning Advisory Board (PAB) acting as Local Planning Agency: **ADOPT AND TRANSMIT** (October 5, 2009)

Board of County Commissioners: **ADOPT AND TRANSMIT** with memorandum dated November 3, 2009, that was submitted to the County's Attorney's Office by Jeffrey Bercow, Esq., representing Liberty Investments, Inc. (November 4, 2009)

Final Recommendation of PAB acting as Local Planning Agency: **TO BE DETERMINED**

Final Action of Board of County Commissioners: **TO BE DETERMINED**

STAFF ANALYSIS AND RECOMMENDATION

Staff recommends: **ADOPT AND TRANSMIT** the proposed amendment based on the Staff conclusions summarized below:

1. On October 2007, the Miami-Dade County Board of County Commissioners (BCC) adopted Resolution R-1161-07 imposing a temporary moratorium (120 days) on the redevelopment of mobile home parks, and directed the County Manager to provide recommendations for mitigating the loss of affordable housing resulting from the conversion of mobile home parks.

Since 2007, the moratorium has been extended five times, and several recommendations have been presented to the BCC, including a recommendation to amend the Comprehensive Development Master Plan (CDMP). Although the Comprehensive Development Master Plan (CDMP) supports affordable housing, no policies currently exist that are specific to the preservation and enhancement of mobile home parks. The proposed amendment includes policies that will support the preservation and enhancement of existing mobile home communities as viable options for affordable housing, while ensuring the health and safety of such communities.

2. Mobile home parks play a key role in providing affordable housing for extremely-low and low-income households. The problem is that Miami-Dade County does not have an adequate supply of affordable housing to meet the existing demand of its residents, and the loss of mobile home parks has compounded this issue. Indeed, since 2000, the inventory of affordable housing units in Miami-Dade County has declined steadily. Factors such as mobile home and condominium conversions have served to diminish the stock of affordable housing, particularly among households categorized as very low income. Between 2002 and 2005, over 24,000 rental units were lost due to condominium conversions. In addition, Miami-Dade County's mobile home supply declined from 15,338 in 2000 to approximately 14,099 in 2007, a loss of 8 percent (1,239 units). These factors have made it increasingly difficult for low-income residents to find housing options that they can afford. The proposed amendment seeks to ensure that mobile home residents displaced due to a redevelopment action will be able find suitable affordable housing.
3. Although the intent of the proposed amendment is to preserve existing mobile home communities as viable sources of affordable housing, it is important to note that the age and condition of existing mobile home units in Miami-Dade County is a concern. Of the 40 existing mobile home parks located in unincorporated Miami-Dade County, half were established before 1950; only two of the mobile home communities were established after 1976. The problem is that older units are more likely to have issues related to deferred maintenance, building code violations, and hurricane vulnerability. Furthermore, mobile home units built before 1976 do not meet the U.S. Department of Housing and Urban Development (HUD) Federal Manufactured Home Construction and Safety Standards. In order to address these concerns, the proposed amendment encourages the renovation and rehabilitation of existing mobile home units. The amendment also allows mobile home units to be replaced with manufactured homes, permanent residential structures or another mobile home unit that meets current health, safety, and building standards of applicable codes.
4. The proposed amendment seeks to ensure consistency with State laws governing the closing of mobile home parks, the approval of development/redevelopment applications, and the relocation of mobile home residents. Mobile homes parks in Florida are generally governed by Chapter 723 of Florida Statutes on Mobile Home Park Lot Tenancies. The proposed amendment requires proof of compliance with the regulations in Chapter 723 prior to the approval of any action to develop or redevelop a mobile home park. Mobile home park owners must submit documentation indicating compliance with notice requirements, eviction procedures, relocation efforts, as well as an inventory of suitable affordable housing. The intent of the proposed amendment is to provide a framework for assuring that the State's requirements are addressed and that the rights of mobile home park owners and mobile home residents are protected.

REQUESTED TEXT AMENDMENT

The following are the proposed text changes for the Housing Element of the CDMP of the CDMP.

A. Revisions to the Housing Element

1. **Add Objective HO-7 and Policies HO-7A to HO-7G, on page III-6, and renumber the subsequent policies in the Housing Element accordingly:**

Objective HO-7

Miami-Dade County shall support the preservation and enhancement of existing mobile home communities as an additional source of affordable housing options for extremely low through moderate income households.

Policy HO-7A: Miami-Dade County will support programs that assist residents of existing mobile home communities in purchasing their parks and forming resident owned communities.

Policy HO-7B: Miami-Dade County shall develop a program and applicable regulations allowing the replacement of existing mobile home units with mobile homes, manufactured homes, modular homes, or permanent residential structures, provided the replacement residential units meet applicable design and building standards.

Policy HO-7C: Miami-Dade County shall encourage the renovation, rehabilitation, or replacement, of existing mobile home units to ensure that housing units in mobile home communities comply with all applicable health, safety, and building standards.

Policy HO-7D: All legal nonconforming uses and structures in existing mobile home parks shall be allowed to be renovated or rehabilitated, if they comply with plans of record, approved certificates of use, and all applicable provisions of the Zoning Code.

Policy HO-7E: Any official action to develop or redevelop mobile home park sites to residential or non-residential uses shall, at a minimum, require the following:

- a. Determination that the proposed development action would not cause the displacement of mobile home residents or that there is suitable affordable housing available for all affected residents. Suitable affordable housing is defined as housing units located within a 10 mile radius of the mobile home park that is vacant at the time of the application and that is affordable to the residents of

the subject property, including mobile home unit owners and tenants. Housing affordability shall be determined using the definition of affordability and income limit categories described in the Housing Element of the CDMP and updated annually by HUD.

- b. Description of actions the mobile home park owner will take to assist mobile home owners and tenants in finding suitable housing for relocation, including referrals to public and private affordable housing resources.
- c. Actions the mobile home park owner will take to minimize the hardship related to relocation.
- d. If the mobile home park is vacant for 24 months or less, approval shall be provided only upon the submittal of evidence demonstrating that all former residents were relocated to suitable housing and were not displaced under duress or coercion.

Policy HO-7F: By 2010, Miami-Dade County shall develop a program requiring any development or redevelopment of a mobile home park to designate at least 20 percent of the development for affordable housing, where feasible. Affordable housing shall be determined using the definitions described in the Housing Element of the CDMP.

Policy HO-7G: Miami-Dade County shall develop procedures for coordinating County services related to mobile home parks, including activities related to the closing of mobile home parks and the relocation of its residents.

2. **Add Objective HO-7 to Goal II of the Monitoring Program on page III-10, and renumber the subsequent policies accordingly:**

Goal II, Objective HO-11

Inventory of existing mobile home communities to include: number of mobile home units; permits to renovate, rehabilitate or replace existing mobile home units; code violations per mobile home community; and number of mobile home communities that have closed or are vacant.

Consistency Review with CDMP Goals, Objectives, Policies, Concepts and Guidelines

The following is a list of the objectives and policies in the CDMP that are consistent with the proposed text amendment:

Housing Element

- Goal II Throughout Miami-Dade county identify and provide affordable housing opportunities from within the existing housing stock and ensure its efficient use through rehabilitation and renovation, and facilitate adaptive conversion of non-residential structures to housing use, including for very low, low, and moderate-income households
- Objective HO-2. Designate by the year 2025 sufficient land (+/-25,000 acres) to accommodate sites at varying densities for a variety of housing including manufactured homes, with special attention directed to affordable units for extremely low, very low, low, and moderate-income households, including workforce housing.
- Policy HO-2B. Allow manufactured homes within residential areas throughout the County, provided they meet design and building standards and are generally compatible with the surrounding residential development.
- Policy HO-2C. Foster a diversity of affordable housing types defined by the County's Comprehensive Development Master Plan to include single-family detached housing, single-family attached and duplex housing, multi-family housing and manufactured homes.
- Policy HO-2D. Continue to promote zoning code changes that allow housing product opportunities such as accessory apartments, single room occupancy units (SRO's), elderly residential hotels, and the mixing of unit types.
- Objective HO-5. Reduce the number of substandard housing units in the County by encouraging the rehabilitation or conservation of the existing housing stock, including historic structures, and provide that an increased number of very low, low and moderate-income units comes from housing rehabilitation and adaptive re-use of non-residential structures.
- Policy HO-5A. Consistently enforce minimum building and housing code standards throughout the County so that all new and rehabilitated housing, public or private, is in compliance.
- Objective HO-7. Bring about housing design and development alternatives that are aesthetically pleasing, encourage energy efficiency and enhance the overall health, safety and general welfare of County residents.
- Policy HO-7B. Continue supporting development of new and innovative economically feasible construction techniques, materials and manufacturing methods that maintain or improve housing structural quality.
- Policy HO-10B. Encourage the private sector to provide housing assistance to families and individuals displaced through private sector actions.
- Policy HO-10C. Assure the availability of suitable emergency shelters, transitional housing, and relocation programs for very low, low- and moderate-income populations who have lost their housing, especially when displacement occurs due to redevelopment or natural disaster.

Land Use Element

- Objective LU-1. The location and configuration of Miami-Dade County's urban growth through the year 2025 shall emphasize concentration and intensification of development around centers of activity, development of well designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.
- Policy LU-1F. To promote housing diversity and to avoid creation of monotonous developments, Miami-Dade County shall vigorously promote the inclusion of a variety of housing types in all residential communities through its area planning, zoning, subdivision, site planning and housing finance activities, among others. In particular, Miami-Dade County shall review its zoning and subdivision practices and regulations and shall amend them, as practical, to promote this policy.
- Policy LU-1K. Miami-Dade County will maintain and enhance the housing assistance and housing programs addressed in the Housing Element as a means to improve conditions of extremely low, very low, low and moderate income residents. This includes the provision of affordable workforce housing.
- Objective LU-11. Miami-Dade County shall take specific measures to promote redevelopment of dilapidated or abandoned buildings and the renovation, rehabilitation or adaptive reuse of existing structures.
- Policy LU-11C. Miami-Dade County shall continue to utilize its Community Redevelopment Area (CRA) Program and federal programs such as the Community Development Block Grant and the HOME program to facilitate redevelopment of dilapidated or abandoned buildings and the renovation, rehabilitation or adaptive reuse of existing structures in eligible areas.
- Policy LU-11C. Miami-Dade County shall continue to utilize its Community Redevelopment Area (CRA) Program and federal programs such as the Community Development Block Grant and the HOME program to facilitate redevelopment of dilapidated or abandoned buildings and the renovation, rehabilitation or adaptive reuse of existing structures in eligible areas.